

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

UNITED STATES OF AMERICA,)	CASE NO: 7:13-CR-0070-12
)	
Plaintiff,)	CRIMINAL
)	
vs.)	McAllen, Texas
)	
JORGE GARZA,)	Monday, August 5, 2013
)	(4:02 p.m. to 4:15 p.m.)
Defendant.)	

TESTIMONY OF FRANK GARCIA AND JOE GONZALEZ
DURING JURY TRIAL - DAY 5

BEFORE THE HONORABLE RANDY CRANE,
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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McAllen, Texas; Monday, August 5, 2013; 4:02 p.m.

(Partial transcript)

(Testimony of Frank Garcia and Joe Gonzalez)

(Official Interpreter Utilized for Translation)

(Jurors present)

MS. GUTIERREZ: Your Honor, we call Joe Garcia --
Frank Garcia. I apologize.

THE COURT: Frank Garcia.

Mr. Garcia, if you could please step forward. I need
to have the oath administered to you before you testify.

THE WITNESS: Okay.

THE COURT: So if you could step forward and raise
your right hand, you'll be administered the oath.

FRANK GARCIA, DEFENDANT'S WITNESS, SWORN

THE COURT: Please be seated.

MS. GUTIERREZ: May I proceed?

THE COURT: You may proceed.

DIRECT EXAMINATION

BY MS. GUTIERREZ:

Q Good afternoon, Mr. Garcia.

A Good afternoon.

Q Can you please state your full name for the jury?

A Gumercindo Francisco Garcia.

Q Mr. Garcia, without telling me your address, where -- what
city do you live in?

1 A Edinburg.

2 Q How long have you lived in Edinburg?

3 A I was raised in Edinburg, went to school in Edinburg
4 and --

5 Q All your life?

6 A Most of my life. I was in the Air Force for ten years.
7 So other than that, I've been here in Edinburg.

8 Q You understand that this is the -- a trial -- this is
9 Jorge Garza's trial. Do you understand that?

10 A Yes.

11 Q And do you understand that he -- Mr. Garza is being
12 charged with a drug conspiracy -- or being involved in a drug
13 conspiracy?

14 A Yes.

15 Q How long have you known Jorge Garza?

16 A Since the late 70s, early 80s.

17 Q And how is it that you know him?

18 A Since the late 70s, early 80s.

19 Q And how is it that you know him?

20 A Well, neighbors -- we were practically neighbors. His
21 parents lived down the road from us.

22 Q Are you currently employed?

23 A No, I'm retired.

24 Q And where did you work prior to retiring?

25 A I retired from AT&T in 1991 and I started a little

1 business, towing service in '92 until January of 2011. I
2 retired completely.

3 Q So you ran the towing service -- or you owned the towing
4 service for almost 20 years?

5 A Yes.

6 Q So during the period from the late 70s, early 80s, at this
7 time, did you have the opportunity to communicate or come
8 across Jorge Garza at any time?

9 A Yes.

10 Q Was it frequent?

11 A Not very frequent.

12 Q With respect to your business, was there any association
13 with Mr. Garza at your business?

14 A Not directly with Mr. Garza. I gave tow for Hidalgo
15 Sheriff's Department. The only relation I had with him was
16 there was times when me and my family would travel out of town
17 and I would ask Jorge to patrol the area while we were gone,
18 especially at night. My business was, you know, directly
19 behind where I lived way in the very back, about 1,300 feet to
20 the back from my house. So I would ask him to just drive in
21 there and, you know, look around, make sure nobody was coming
22 into my yard without me knowing or -- that was mainly it, you
23 know.

24 Q Okay. And so you allowed Jorge to get on your property
25 when you were not there?

1 A Yes.

2 Q Okay. Did you believe that you could trust him?

3 A Yes. I wouldn't have asked him to if I didn't trust him.

4 Q And during those periods of time that you had Mr. Garza
5 checking on your property, was there ever anything missing, any
6 crime on -- against your property?

7 A No. No.

8 Q Do you -- as far as you know, is Jorge a peaceable
9 individual?

10 A Yes.

11 Q Does the fact that he's being charged with being involved
12 in a drug conspiracy change that opinion?

13 A No. No.

14 **MS. GUTIERREZ:** Pass the witness.

15 **THE COURT:** Any cross examination?

16 **MR. STURGIS:** I have no questions for you,
17 Mr. Garcia. Thank you for being here.

18 **THE COURT:** All right, thank you, Mr. Garcia, for
19 being here. You're excused at this time.

20 **(Witness excused)**

21 **THE COURT:** All right, next witness.

22 **MS. GUTIERREZ:** Jose Gonzalez.

23 **THE COURT:** All right.

24 **MS. GUTIERREZ:** Joe? I'm sorry, your Honor, Joe
25 Gonzalez.

1 **THE COURT:** Joe Gonzalez, all right.

2 All right, good afternoon. If I could get you to
3 step forward up here to the -- one of the microphones and raise
4 your hand to be administered the oath before you testify.
5 Right there, thank you.

6 **JOE GONZALEZ, DEFENDANT'S WITNESS, SWORN**

7 **THE COURT:** Please be seated.

8 All right, whenever you're ready, Ms. Gutierrez.

9 **MS. GUTIERREZ:** Yes, your Honor.

10 **DIRECT EXAMINATION**

11 **BY MS. GUTIERREZ:**

12 Q Good afternoon, Mr. Gonzalez. Can you please state your
13 full name for the jury?

14 A Yes. It's Jose G. Gonzalez.

15 Q Mr. Gonzalez, what city do you live in?

16 A Harlingen.

17 Q Where do you -- where are you employed?

18 A With Rio Grande Valley Council, Incorporated.

19 Q What do you do there?

20 A I'm the CEO.

21 Q What is it that the Rio Grande Valley Council does?

22 A We are a nonprofit 501(c)(3). We provide -- our mission
23 to do prevention, intervention and treatment against substance
24 abuse and so we do a lot of work in the community and the
25 schools, also a treatment provider, licensed treatment provider

1 in the state of Texas.

2 Q And how long have you been working with them?

3 A Since 1990 -- I'm sorry -- since 2000.

4 Q Do you have -- are you skilled in anything else or have
5 another profession?

6 A I am a licensed clinical social worker by education, a
7 Master's degree.

8 Q Do you know Jorge Garza?

9 A Yes, I do.

10 Q How do you know him?

11 A He has been a volunteer with the RGV Council over the past
12 five years. He has always supported as a volunteer doing our
13 fundraising as an auctioneer with his DJ services and so he has
14 volunteered his time to be able to come and support our efforts
15 and our mission.

16 Q And when you say "volunteer," that means that he does it
17 for free?

18 A Yes.

19 Q Okay.

20 A To the best of my memory, I don't think we've ever -- he's
21 always done it for free.

22 Q And so your office asks him to volunteer or if he can
23 volunteer his services?

24 A Yes. We have gotten to know Jorge through Melissa Aguirre
25 (phonetic) who works as an employee for us and she has

1 advocated and does a lot of our volunteer recruitment.

2 Q And so at the time -- how long would you say that you've
3 known Jorge?

4 A Five years since we started a particular fundraising
5 event.

6 Q To your knowledge, has Jorge ever declined helping you
7 out?

8 A No.

9 Q And so during these events, you are -- you have the
10 opportunity to be around Jorge and communicate with him?

11 A Yes, a little bit in the planning stages and then during
12 the event in coordinating the whole fundraising project. So,
13 yes, I have had a chance to definitely speak and talk and
14 dialogue and get to know Jorge a little.

15 Q Do you know Jorge to be a peaceable individual?

16 A Oh, very peaceable, very friendly.

17 Q Do you know Jorge to be law-abiding?

18 A Absolutely.

19 Q Does the fact that he has been charged with a drug
20 conspiracy change that opinion for you?

21 A It would be very difficult for me to see him in that
22 context. So, no, at this point, I see him as a very good man.

23 Q And other than being involved -- being the CEO of the
24 Rio Grande Valley Council and having a -- being a licensed
25 clinical social worker, is there anything else that you are

1 learned at or skilled at?

2 A Well, I also actually have the -- I'm a deacon of the
3 Catholic Church in the diocese of Brownsville.

4 **MS. GUTIERREZ:** I pass the witness.

5 **THE COURT:** Any cross examination?

6 **MR. STURGIS:** Just very brief.

7 **CROSS EXAMINATION**

8 **BY MR. STURGIS:**

9 Q Thank you for being here. Do you know any of Mr. Garza's
10 friends, Mr. Gonzalez?

11 A Only Melissa Aguirre.

12 Q That's the only one that you've met?

13 A Yes.

14 Q Okay. And how often would you see -- think that you see
15 Mr. Garza?

16 A I would say that on an annual basis over a couple of days
17 each year.

18 Q A couple days each year --

19 A Yes.

20 Q -- roughly?

21 A Every now and then but not on any consistent basis.

22 Q And do you have any knowledge to what he does on his own
23 time during those other days?

24 A No, other than he was employed by the Sheriff's office.

25 **MR. STURGIS:** Pass the witness, your Honor.

1 **THE COURT:** All right.

2 **MS. GUTIERREZ:** I have nothing further, your Honor.

3 **THE COURT:** Thank you for being here. You're excused
4 at this time.

5 **THE WITNESS:** Thank you.

6 (Witness excused)

7 (Requested transcription concluded at 4:15 p.m.;
8 proceeding continued)

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CERTIFICATION

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.

A handwritten signature in cursive script, appearing to read "Toni Hudson", is positioned above a horizontal line.

May 13, 2014

TONI HUDSON, TRANSCRIBER